



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

AUG 18 1998

OFFICE OF
SOLID WASTE AND EMERGENCY
RESPONSE

Mr. Roy Neel
United States Telephone Association
1401 H Street NW
Suite 600
Washington, DC 20004-2696

Dear Mr. Neel:

Thank you for your letter of May 22, 1998 in which you express dissatisfaction with the Agency's inaction on petitions which request the addition of mercury-containing equipment wastes to the Federal universal waste program. The Office of Solid Waste (OSW) apologizes for the delay in responding to those petitions. Regrettably, resource constraints continue to limit our ability to address those petitions at this time and we cannot speculate as to when your petitions will be addressed.

While a Federal rulemaking to add a waste to the universal waste system has some efficiencies and advantages relative to individual state actions, the universal waste rule explicitly provided flexibility for state additions provided that a state found through rulemaking that other wastes matched the attributes for which the universal waste option was developed. Therefore, you may want to approach individual states. Further, many states prefer adding other waste categories under the auspices of their state governmental hazardous waste program as opposed to the Federal program.

The Agency believes its decision to empower states with the ability to add other waste categories has afforded states opportunities that otherwise would not have been available. Moreover, absent the petition process, states would have been required to await an EPA rulemaking which may not have addressed the state's immediate waste collection needs. Several states have plans to add other waste categories or have already taken advantage of the petition process and added other waste categories to their state universal waste program without Federal intervention.

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The Agency does not currently have plans to address the petitions you mention in the near term and cannot predict when those petitions will be addressed. If, however, in the future the Agency is able to address the particular wastes discussed in those petitions, we will use the petitions as supporting material in our rulemaking process. I apologize for any inconvenience caused to you and your organization. If you have any further questions, please contact Bryan Groce of my staff on (703) 308-8750.

Sincerely,

A handwritten signature in cursive script, appearing to read "Elizabeth Cotsworth".

Elizabeth Cotsworth, Acting Director
Office of Solid Waste

Control: HWID



UNITED STATES
TELEPHONE
ASSOCIATION



May 22, 1998

Elizabeth Cotsworth
Acting Director - Office of Solid Waste
Environmental Protection Agency
CS 9th Floor, 5301W
401 M Street, SW
Washington, D.C. 20460

Dear Ms. Cotsworth:

In issuing its final universal waste rule in May of 1995, the Environmental Protection Agency (EPA) stated, "[t]he Agency would welcome a petition to add some form of broad category of mercury-containing equipment to the universal waste rule." Since that time, several parties have petitioned the EPA yet the Agency has taken no action in this regard. The United States Telephone Association (USTA) -- the principal trade association of the local exchange carrier (LEC) industry -- respectfully urges the EPA to expeditiously act on its invitation by adding a "broad category of mercury-containing equipment to the universal waste rule." In doing so, USTA specifically requests that the EPA include such mercury-containing equipment as mercury relays, mercury-containing switches and mercury vapor tubes within the universal waste program.

Mercury-containing equipment is employed in innumerable commercial, municipal and private settings. While this equipment poses little hazard in its daily use, the current Resource Conservation and Recovery Act (RCRA), Subtitle C regulatory scheme makes the safe and proper management of mercury wastes within mercury relays, switches and vapor tubes complicated and costly given the limited circumstances in which these wastes are generated.

More specifically, RCRA regulations are tailored to the management of hazardous wastes that are generated consistently and in substantial amounts by large-scale industrial sources. The LEC industry does not share this characteristic. Rather, as the LEC industry safely and properly follows hazardous waste regulations, removal of equipment such as mercury relays, switches or vapor tubes results in only small volumes of wastes occurring over infrequent intervals primarily at geographically dispersed switching centers. Consequently, the generation of waste mercury-containing equipment within the LEC industry more nearly accords with the generation of such wastes by homes and small businesses, and thus should not be subject to the full RCRA regulations for hazardous waste management.

The EPA has the authority to provide regulatory relief. Already, mercury-containing equipment such as mercury relays, switches and vapor tubes substantially meet the criteria the EPA has itself established for universal wastes. Additionally, an appropriate and effective waste management model -- the universal waste program for mercury-containing thermostats -- could be readily adapted to the management of mercury relays, switches and vapor tubes. These

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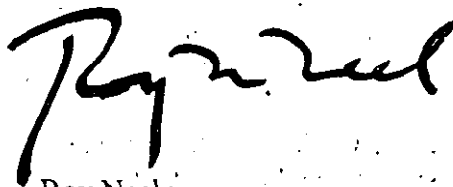
Agency guidelines would not only ensure the safe and proper management of these mercury wastes, but would also allow new efficiencies and incentives to take hold, thus further benefitting the protection of the environment.

Toward this end, adding mercury relays, switches and vapor tubes to the universal waste program would allow for the elimination of RCRA requirements that can actually thwart the efficient aggregation and accumulation of mercury-containing equipment (i.e., the need for RCRA storage permits when sending mercury wastes to collection locations; the required EPA generator ID numbers even for remote sites that infrequently produce mercury wastes). With these and other RCRA requirements removed, LECs would be better able to safely, efficiently and economically send mercury components from their generation points to one or more central collection centers, and then from there to recyclers or disposers. Larger, more consolidated and organized shipments of mercury-containing equipment would be the norm. Ultimately, the end result would be more of these wastes diverted from the non-hazardous waste system.

USTA respectfully urges the EPA to complete a process the Agency initiated three years ago. Because mercury-containing wastes such as mercury relays, switches and vapor tubes are generated in small quantities over geographically dispersed areas by innumerable commercial, municipal and private sources, such wastes are ideal candidates for addition to the universal waste program. Importantly, by including these wastes within the universal waste program, the EPA will greatly enhance the continued safe and widespread collection of these wastes through reduced administrative, logistical and economic burdens. To do otherwise would be both contrary to real-world realities and the overarching goals of protecting the environment with which the EPA has been faithfully charged.

Thank you for your time and attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Roy Neel", written in a cursive style.

Roy Neel
President and CEO
United States Telephone Association